

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ELIA DATA OF TEXAS, LLC,

Plaintiff,

v.

**INTERNATIONAL BUSINESS
MACHINES CORP.,**

Defendant.

CIVIL ACTION NO. 2:12-cv-320-MHS

JURY TRIAL DEMANDED

ORDER OF DISMISSAL WITH PREJUDICE

CAME ON THIS DAY for consideration of the Stipulated Motion for Dismissal with Prejudice of all claims and counterclaims asserted between plaintiff, Elia Data of Texas, LLC, and defendant, International Business Machines Corp., in this case, and the Court being of the opinion that said motion should be GRANTED, it is hereby

ORDERED, ADJUDGED AND DECREED that all claims and counterclaims asserted in this suit between plaintiff, Elia Data of Texas, LLC, and defendant, International Business Machines Corp, are hereby dismissed with prejudice, subject to the terms of that certain agreement entitled "**SETTLEMENT AGREEMENT**" and dated July 15, 2013.

It is further ORDERED that all attorneys' fees and costs are to be borne by the party that incurred them.

IT IS SO ORDERED.

SIGNED this 2nd day of August, 2013.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE